

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ELECTRONIC RECEIPTS DELIVERY
SYSTEMS, LLC,

Plaintiff,

vs.

TARGET CORPORATION,

Defendant.

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Case No: 2:17-cv-633

**MOTION TO DISMISS DEFENDANT
TARGET CORPORATION WITHOUT PREJUDICE**

Under Federal Rule of Civil Procedure 41(a), Plaintiff Electronic Receipts Delivery Systems LLC (“ERDS”) hereby moves the Court to dismiss all of its claims against Target Corporation without prejudice, and with each party to bear its own attorneys’ fees and costs, and requests that the Court enter the proposed order of dismissal submitted herewith.

Dated: November 16, 2017

Respectfully Submitted,

/s/ Jay Johnson

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CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on November 16, 2017.

/s/ Jay Johnson

Jay Johnson

CERTIFICATE OF CONFERENCE

The undersigned counsel for Plaintiff certifies that he met and conferred with counsel for Defendant on November 16, 2017 and that Defendant does not oppose this motion.

/s/ Jay Johnson

Jay Johnson